

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: : NO. 22-00611
:
JOSEPH YEBOAH :
:
Debtor : CHAPTER 13

**OBJECTION TO CHAPTER 13 PLAN CONFIRMATION BY
SECURED CREDITOR MIDDLE SMITHFIELD TOWNSHIP**

1. Debtor is Joseph Yeboah.
2. Debtor owns real property located at 101 Kimball Court, East Stroudsburg, Middle Smithfield Township, Pennsylvania, otherwise identified as Tax Parcel No. 09.4C.3.26. (“Property”).
3. Middle Smithfield Township (the “Township”) provides sewer services to the Property.
4. On or about June 13, 2018, the Township filed a Municipal Lien Claim against the Property for Sewer services and related fees for the time period beginning October 1, 2015 and ending June 4, 2018 in the amount of \$1,902.16. Said Municipal Lien Claim is filed in Monroe County Court of Common Pleas at docket number 4330-CV-2018, which is attached hereto and made a part hereof as Exhibit “A.”
5. On or about September 17, 2021, the Township filed a Municipal Lien Claim against the Property for Sewer services and related fees for the time period beginning April 1, 2018 and ending September 13, 2021 in the amount of \$1,926.55. Said Municipal Lien Claim is filed in Monroe County Court of Common Pleas at docket number 5200-CV-2021, which is attached hereto and made a part hereof as Exhibit “B.”

6. Since September 13, 2021, Debtor has continued to incur fees and charges for sewer services. Attached hereto and made a part hereof as Exhibit “C” is an itemized statement evidencing fees and charges for sewer services.

7. As of the Petition date, the total amount due and owing is as follows:

Fees	\$ 3,968.00
Interest	\$ 111.17
Penalty	\$ 595.37
Lien Fee	\$ 75.25
Collections	\$ 35.00
<u>Total</u>	<u>\$ 4,784.79</u>

8. Contemporaneously with the filing of this Objection, the Township is filing a Poof of Claim, listing the amount of the claim as \$4,784.79.

9. Debtor’s Chapter 13 Plan cannot be confirmed as the Township’s claim is secured in the amount of \$4,784.79, and the Debtor’s Plan fails to pay the outstanding sum due and owing on the liens, which is substantially less than the value of the Property.

10. The Township did not receive any notice of this bankruptcy until it received, on or about June 20, 2022, a Notice in regard to the confirmation hearing on Debtor’s proposed Chapter 13 Plan.

11. Debtor’s proposed Chapter 13 Plan does not appear to address payment of the Debtor’s arrearages with the Township.

12. Further, Debtor has failed to pay post-petition charges for sewer service in the amount of at least \$175.00 and has not made arrangements with the Township in regard to payment of sewer service post-petition.

13. The Debtor’s proposed plan does not discuss, or adequately discuss, how the Debtor intends to cure past delinquencies or how Debtor will pay for subsequent sewer charges.

14. The Debtor's Chapter 13 Plan is unjust and unfeasible.

15. Failure to pay the municipal charges is only going to result in discontinuance of municipal services, or foreclosure of the Township lien, with the subsequent eviction of any occupants of the Property.

WHEREFORE, Middle Smithfield Township respectfully requests that This Honorable Court deny confirmation of Debtor's Chapter 13 Plan for failure to comply with the requirements of the Bankruptcy law or to require an amendment to Debtor's Chapter 13 Plan providing for payment consistent with the facts set forth herein above.

Respectfully Submitted,
GRIM, BIEHN & THATCHER

By: /s/ Kelly L. Eberle
Kelly L. Eberle
Attorney for Middle Smithfield Township

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: : NO. 22-00611
:
JOSEPH YEBOAH :
:
Debtor : CHAPTER 13

CERTIFICATE OF SERVICE

I, KELLY L. EBERLE, attorney for Middle Smithfield Township, do hereby certify that a true and correct copy of the Objection of Secured Creditor Middle Smithfield Township to Plan Confirmation has been served this 6th day of July 2022, by first class mail, postage pre-paid, upon those listed below:

Attorney for Debtor:
Paul W. McElrath, Jr., Esquire
1641 Saw Mill Run Boulevard
Pittsburgh, PA 15210

Trustee:
Jack N. Zaharopoulos
8125 Adams Drive, Suite A
Hummelstown, PA 17036

Debtor:
Joseph Yeboah
1541A Stuyvesant Avenue
Union, NJ 07083

* Interested Parties (if any)

GRIM, BIEHN & THATCHER

Dated: July 6, 2022

By: /s/ Kelly L. Eberle
Kelly L. Eberle
Attorney for Middle Smithfield Township

EXHIBIT “A”

PIN#: 0973 4403314420

Acct #: 03-0023

COPY

MIDDLE SMITHFIELD TOWNSHIP

Claimant,

v.

JOSEPH YEBOAH

Defendant,:

IN THE COURT OF COMMON PLEAS
MONROE COUNTY, PENNSYLVANIA

No. 4330 - CIVIL-2018

AMOUNT OF CLAIM: \$1,902.16

Monroe Prothonotary
JUN 13 '18 PM 1:05

MUNICIPAL CLAIM FOR SEWER RENTALS AND CHARGES

1. The name of Claimant is Middle Smithfield Township, a township of the Second Class of the Commonwealth of Pennsylvania, located in the County of Monroe and having an address of 147 Municipal Drive, East Stroudsburg, Pennsylvania 18302.

2. The name and last known address of the owner of the property against which this claim is filed is Joseph Yeboah, 101 Kimball Court, East Stroudsburg, PA 18302.

3. The property against which this claim is filed is described as follows:

ALL THAT CERTAIN lot or piece of ground **SITUATE** in the Township of Middle Smithfield, County of Monroe and Commonwealth of Pennsylvania, more fully described in a deed dated 05/03/2007, and recorded in Monroe County in Record Book 2304, Page 2978.

BEING Monroe County Tax Parcel No. 09/4C/3/26.

4. The charges for which this claim is filed and levied arise pursuant to Section 1 of the Act of July 18, 1935, P.L. 1286 (the "Sewer Rental Act"), as amended, 53 P.S. §2331, as well as the Act of May 1, 1933, P.L. 103 (the "Second Class Township Code"), as amended, 53 P.S. §67511, together with such other amendments, supplements and all other Acts relating to sewer rentals or charges and the pertinent resolutions and/or ordinances of the Township of Middle Smithfield levying such rentals or charges.

Y903
7101, et seq.

This claim is filed pursuant to the Municipal Claims and Tax Liens Law, 53 P.S. §

6. This claim is filed for the use of sanitary sewer service to the above-described property, surcharges, and/or late fees from 10/01/2015 to and including 06/04/2018.

7. The amount of this claim is summarized as follows:

Amount Owed:	\$ 1,400.00
Interest:	\$ 151.91
Late Fee/Collections:	\$ 275.00
Lien Recording Fee:	\$ <u>75.25</u>
Total Amount Owed:	\$ 1,902.16

8. A true and correct copy of Middle Smithfield Township's detailed financial transaction summary, justifying the \$1,902.16 total amount owed (through 06/11/2018) is attached hereto as Exhibit "A".

9. The Prothonotary of Monroe County is requested to enter the above claim in the proper and appropriate docket and upon the judgment and locality indices.

MIDDLE SMITHFIELD TOWNSHIP

Dated: June 11, 2018

By: _____

Joan H. Woisin
Joan H. Woisin – Sewer Coordinator
Middle Smithfield Township

Run Date 11/15/2018
Run Time 09:10:56

**Middle Smithfield Township Sewer Department -
Customer History Report**

Page 1

Customer

03-0023
JOSEPH YEBOAH
101 KIMBALL COURT
EAST STROUDSBURG PA 18302

Service Address 101 KIMBALL COURT

<u>Transaction Date</u>	<u>Description</u>	<u>Reference</u>	<u>Transaction Amount</u>	<u>Running Balance</u>	<u>Due Date</u>	<u>Balance Due</u>
09/26/2013	Adjustment	Credit bal adj	-35.20	-35.20	09/26/2013	
09/30/2013	Billing		132.50	97.30	11/02/2013	
11/27/2013	Payment	446	-100.00	-2.70		
01/02/2014	Billing		132.50	129.80	02/03/2014	
02/10/2014	Payment	115	-150.00	-20.20		
04/01/2014	Billing		132.50	112.30	05/02/2014	
05/13/2014	Payment	313	-140.00	-27.70		
07/01/2014	Billing		175.00	147.30	08/02/2014	
07/16/2014	Payment	333	-150.00	-2.70		
10/01/2014	Billing		175.00	172.30	11/02/2014	
11/10/2014	Payment	157	-180.00	-7.70		
01/05/2015	Billing		175.00	167.30	02/05/2015	
03/10/2015	Penalty		25.00	192.30		
03/31/2015	Interest		2.63	194.93		
04/01/2015	Billing		175.00	369.93	05/02/2015	
05/04/2015	Payment	203	-350.00	19.93		
05/26/2015	Adjustment	Write Off	-19.93		05/02/2015	
07/01/2015	Billing		175.00	175.00	08/05/2015	
08/11/2015	Penalty		25.00	200.00		
08/27/2015	Payment	223	-180.00	20.00		
08/31/2015	Adjustment	Write Off	-20.00		08/05/2015	
10/01/2015	Billing		175.00	175.00	11/02/2015	
12/04/2015	Penalty		25.00	200.00		
12/23/2015	Interest		2.63	202.63		
01/06/2016	Billing		175.00	377.63	02/05/2016	
03/08/2016	Penalty		25.00	402.63		
03/08/2016	Interest		5.26	407.89		
04/01/2016	Billing		175.00	582.89	05/02/2016	162.26
04/15/2016	Payment	1109	-300.00	282.89		
06/03/2016	Interest		4.25	287.14		
06/03/2016	Penalty		25.00	312.14		
07/01/2016	Billing		175.00	487.14	08/05/2016	196.04
09/07/2016	Interest		6.90	494.04		
09/07/2016	Penalty		25.00	519.04		
10/01/2016	Billing		175.00	694.04	11/03/2016	221.04
11/14/2016	Payment	1048	-200.00	494.04		
12/06/2016	Interest		7.42	501.46		
12/06/2016	Penalty		25.00	526.46		

Run Date 11/15/2018
Run Time 09:10:56

**Middle Smithfield Township Sewer Department -
Customer History Report**

Page 2

Customer

03-0023
JOSEPH YEBOAH
101 KIMBALL COURT
EAST STROUDSBURG PA 18302

Service Address 101 KIMBALL COURT

<u>Transaction Date</u>	<u>Description</u>	<u>Reference</u>	<u>Transaction Amount</u>	<u>Running Balance</u>	<u>Due Date</u>	<u>Balance Due</u>
01/05/2017	Billing		175.00	701.46	02/05/2017	218.41
03/09/2017	Interest		10.08	711.54		
03/09/2017	Penalty		25.00	736.54		
04/03/2017	Billing		175.00	911.54	05/03/2017	215.78
06/06/2017	Interest		12.75	924.29		
06/06/2017	Penalty		25.00	949.29		
07/01/2017	Billing		175.00	1,124.29	08/03/2017	213.15
09/13/2017	Penalty		25.00	1,149.29		
09/13/2017	Interest		15.41	1,164.70		
10/02/2017	Billing		175.00	1,339.70	11/02/2017	210.52
12/05/2017	Interest		18.07	1,357.77		
12/05/2017	Penalty		25.00	1,382.77		
01/01/2018	Billing		175.00	1,557.77	02/03/2018	207.89
03/13/2018	Interest		20.74	1,578.51		
03/13/2018	Penalty		25.00	1,603.51		
04/01/2018	Billing		175.00	1,778.51	05/03/2018	205.26
06/05/2018	Interest		23.40	1,801.91		
06/05/2018	Penalty		25.00	1,826.91		
06/11/2018	Adjustment	Lien Fee	75.25	1,902.16	06/11/2018	75.25
07/02/2018	Billing		175.00	2,077.16	08/03/2018	202.63
09/06/2018	Interest		26.07	2,103.23		
09/06/2018	Penalty		25.00	2,128.23		
10/01/2018	Billing		175.00	2,303.23	11/02/2018	175.00

EXHIBIT “B”

PIN#: 0973 4403314420

Acct #: 03-0023-0

MIDDLE SMITHFIELD TOWNSHIP

Claimant,

v.

JOSEPH YEBOAH

Defendant,

IN THE COURT OF COMMON PLEAS
MONROE COUNTY, PENNSYLVANIA

No. 5200 - CIVIL 2021

AMOUNT OF CLAIM: \$1,926.55

MUNICIPAL CLAIM FOR SEWER RENTALS AND CHARGES

1. The name of Claimant is Middle Smithfield Township, a township of the Second Class of the Commonwealth of Pennsylvania, located in the County of Monroe and having an address of 147 Municipal Drive, East Stroudsburg, Pennsylvania 18302.

2. The name and last known address of the owner of the property against which this claim is filed is Joseph Yeboah, 101 Kimball Ct, East Stroudsburg, PA 18302.

3. The property against which this claim is filed is described as follows:

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BEING Monroe County Tax Parcel No. 09.4C.3.26.

4. The charges for which this claim is filed and levied arise pursuant to Section 1 of the Act of July 18, 1935, P.L. 1286 (the "Sewer Rental Act"), as amended, 53 P.S. §2331, as well as the Act of May 1, 1933, P.L. 103 (the "Second Class Township Code"), as amended, 53 P.S. §67511, together with such other amendments, supplements and all other Acts relating to sewer rentals or charges and the pertinent resolutions and/or ordinances of the Township of Middle Smithfield levying such rentals or charges.

5. This claim is filed pursuant to the Municipal Claims and Tax Liens Law, 53 P.S. § 7101, *et seq.*

6. This claim is filed for the use of sanitary sewer service to the above-described property, surcharges, and/or late fees from 04/01/2019 to and including 09/13/2021.

7. The amount of this claim is summarized as follows:

Amount Owed:	\$ 1,750.00
Late Fee/Collections:	\$ 75.00
Interest:	\$ 26.30
Lien Recording Fee:	\$ <u>75.25</u>
Total Amount Owed:	\$ 1,926.55

8. A true and correct copy of Middle Smithfield Township's detailed financial transaction summary, justifying the \$1,926.55 total amount owed (through 09/13/2021) is attached hereto as Exhibit "A".

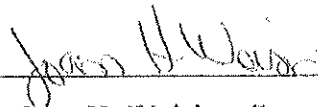
9. The Prothonotary of Monroe County is requested to enter the above claim in the proper and appropriate docket and upon the judgment and locality indices.

MIDDLE SMITHFIELD TOWNSHIP

Dated: _____

9/13/2021

By: _____



Joan H. Woisin – Sewer Coordinator
Middle Smithfield Township

Customer Statement

A005
09/13/2021

Middle Smithfield Township Sewer Department
147 Municipal Dr
East Stroudsburg, PA 18302
570-223-8920, Ext. 115

Account 03-0023-0
Name JOSEPH YEBOAH
Address 101 KIMBALL COURT E. STROUDSBURG, PA 18302

For 04/01/2019 to 09/13/2021

Date	Transaction #	Bill #	Usage	Transaction Amount	Running Balance
04/01/2019	15801	12134	0	175.00	99.75
05/28/2019	2322			75.25	175.00
06/04/2019	32508			2.63	177.63
07/01/2019	20848	17181	0	175.00	352.83
09/06/2019	58876			25.00	382.89
09/06/2019	35573			5.26	382.89
10/01/2019	10746	7079	0	175.00	557.89
12/05/2019	43271			25.00	590.78
12/05/2019	30185			7.89	590.78
01/03/2020	24191	20524	0	175.00	765.78
03/05/2020	36107			10.52	801.30
03/05/2020	60734			25.00	801.30
04/01/2020	25841	22174	0	175.00	976.30
07/03/2020	27467	23800	0	175.00	1,151.30
10/01/2020	64760	35975		175.00	1,326.30
01/07/2021	72449	55895		175.00	1,501.30
04/01/2021	79721	81269		175.00	1,676.30
07/02/2021	89203	91162		175.00	1,851.30
09/10/2021	96825			75.25	1,926.55

Totals

Type	Total
Adjust	150.50
Bill	1750.00
Penalty	101.30

Total Usage: 0

EXHIBIT “C”

Customer Statement

A005
06/20/2022

Middle Smithfield Township Sewer Department
147 Municipal Dr
East Stroudsburg, PA 18302
570-223-8920, Ext. 115

Account 03-0023-0
Name JOSEPH YEBOAH
Address 101 KIMBALL COURT E. STROUDSBURG, PA 18302

For 01/01/17 to 06/20/2022

Date	Transaction #	Bill #	Usage	Transaction Amount	Running Balance
01/05/2017	7288	3621	0	175.00	701.46
03/09/2017	47528			25.00	736.54
03/09/2017	31932			10.08	736.54
04/03/2017	17423	13756	0	175.00	911.54
06/06/2017	33685			12.75	949.29
06/06/2017	53144			25.00	949.29
07/01/2017	19135	15468	0	175.00	1,124.29
09/13/2017	34286			15.41	1,164.70
09/13/2017	57320			25.00	1,164.70
10/02/2017	12369	8702	0	175.00	1,339.70
12/05/2017	28962			18.07	1,382.77
12/05/2017	42074			25.00	1,382.77
01/01/2018	3897	230	0	175.00	1,557.77
03/13/2018	46010			25.00	1,603.51
03/13/2018	30762			20.74	1,603.51
04/01/2018	14082	10415	0	175.00	1,778.51
06/05/2018	33033			23.40	1,826.91
06/05/2018	52496			25.00	1,826.91
07/02/2018	22471	18804	0	175.00	2,001.91
09/06/2018	58200			25.00	2,052.98
09/06/2018	34883			26.07	2,052.98
10/01/2018	9028	5361	0	175.00	2,227.98
12/05/2018	42694			25.00	2,281.71
12/05/2018	29593			28.73	2,281.71
01/03/2019	5640	1973	0	175.00	2,456.71
03/06/2019	31364			31.40	2,513.11
03/06/2019	46902			25.00	2,513.11
03/14/2019	2201			-2588.36	-75.25
04/01/2019	15801	12134	0	175.00	99.75
05/28/2019	2322			75.25	175.00
06/04/2019	32508			2.63	177.63
07/01/2019	20848	17181	0	175.00	352.63
09/06/2019	35573			5.26	382.89
09/06/2019	58876			25.00	382.89
10/01/2019	10746	7079	0	175.00	557.89
12/05/2019	43271			25.00	590.78
12/05/2019	30185			7.89	590.78
01/03/2020	24191	20524	0	175.00	765.78

Customer Statement

A005
06/20/2022

Middle Smithfield Township Sewer Department
147 Municipal Dr
East Stroudsburg, PA 18302
570-223-8920, Ext. 115

Account 03-0023-0
Name JOSEPH YEBOAH
Address 101 KIMBALL COURT E. STROUDSBURG, PA 18302

For 01/01/17 to 06/20/2022

Date	Transaction #	Bill #	Usage	Transaction Amount	Running Balance
03/05/2020	36107			10.52	801.30
03/05/2020	60734			25.00	801.30
04/01/2020	25841	22174	0	175.00	976.30
07/03/2020	27467	23800	0	175.00	1,151.30
10/01/2020	64760	35975		175.00	1,326.30
01/07/2021	72449	55895		175.00	1,501.30
04/01/2021	79721	81269		175.00	1,676.30
07/02/2021	89203	91162		175.00	1,851.30
09/10/2021	96825			75.25	1,926.55
09/27/2021	97423			2137.07	4,063.62
10/01/2021	98281	101251		175.00	4,238.62
12/06/2021	113466	101251		25.00	4,263.62
12/06/2021	115311	101251		54.27	4,317.89
12/09/2021	117201			35.00	4,352.89
01/05/2022	118066	107500		175.00	4,527.89
03/03/2022	126311	107500		25.00	4,552.89
03/03/2022	126904	107500		56.90	4,609.79
04/01/2022	128658	115236		175.00	4,784.79
06/06/2022	144222	115236		25.00	4,809.79
06/06/2022	146001	115236		59.52	4,869.31

Totals

Type	Total
Adjust	-265.79
Bill	3850.00
Interest	170.69
Penalty	587.95

Total Usage: 0